

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review)	
)	
Butte High School, West Boyd Unified School District)	File Nos. SLD-429287, 404501
Butte, Nebraska)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

ORDER

Adopted: April 13, 2005

Released: April 13, 2005

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Butte High School of the West Boyd Unified School District, Butte, Nebraska (Butte).¹ Butte seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) denying Butte's Funding Year 2004 application for discounted services under the schools and libraries universal service support mechanism on the ground that Butte violated the Commission's competitive bidding requirements.² For the reasons set forth below, we deny Butte's Request for Review and affirm SLD's denial of Butte's application.

2. Under the schools and libraries universal service support mechanism, eligible schools, libraries, and consortia that include eligible schools and libraries, may apply for discounts for eligible telecommunications services, Internet access, and internal connections.³ The Commission's rules provide that, with one limited exception for existing, binding contracts, an eligible school, library, or consortium that includes eligible schools or libraries must seek competitive bids for all services eligible for support.⁴ In accordance with the Commission's rules, an applicant must file with SLD, for posting to its website, an FCC Form 470 requesting services.⁵ The applicant must wait 28 days before entering into an agreement

¹Letter from D. Russell Lechtenberg, Butte High School, West Boyd Unified School District, to Federal Communications Commission, filed October 21, 2004 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

²Letter from Schools and Libraries Division, Universal Service Administrative Company, to D. Russell Lechtenberg, Butte High School, dated October 4, 2004 (Administrative Decision on Appeal).

³47 C.F.R. §§ 54.502, 54.503.

⁴47 C.F.R. §§ 54.504, 54.511(c).

⁵See Schools and Libraries Universal Service, Description of Services Requested and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 470).

with a service provider for the requested services and submitting an FCC Form 471 requesting support for the services ordered by the applicant.⁶

3. Upon review of the record, we conclude that SLD correctly denied Butte's request for support. The record shows that Butte's FCC Form 471 application was signed on February 1, 2004, which was prior to the allowable contract date of February 4, 2004, on the establishing FCC Form 470.⁷ In its Request for Review, Butte argues that the relevant date should be the date the Form 471 was received, rather than the date it was signed.⁸ Thus, Butte states that because its Form 471 was postmarked and received after the 28-day waiting period, it did not violate the Commission's competitive bidding rules.⁹ We do not find this to be a sufficient basis to grant the instant Request for Review.

4. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.¹⁰ The Wireline Competition Bureau has consistently denied requests for review by applicants that have violated the Commission's competitive bidding rules by signing the FCC Form 471 or service provider agreement before the allowable contract date.¹¹ In light of the thousands of applications that SLD must review and process each year, we find that it is administratively necessary to require applicants to provide complete and accurate information on their applications and follow program rules.¹² We therefore deny Butte's Request for Review.

⁶47 C.F.R. § 54.504(c); *see also* Schools and Libraries Universal Service, Services Ordered and Certification Form, OMB 3060-0806 (September 1999) (FCC Form 471).

⁷*See* Request for Review at Attachment 1. *See also* FCC Form 470, Butte High School, posted January 7, 2004. *See also* 47 C.F.R. § 54.504(b), (c) (providing that applicants must file with the Administrator, for posting on its website, the Form 470 requesting services and must wait 28 days after posting before entering into an agreement with a service provider for the requested services and submitting the FCC Form 471).

⁸Request for Review at 1.

⁹*Id.*

¹⁰47 C.F.R. §§ 54.504(b)-(c), 54.511; Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, FCC Form 471, OMB 3060-0806 (October 2000). *See also Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-139210, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 13790, 13792 (Com Car. Bur. 2000).

¹¹*See, e.g., Request for Review by Currituck County Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-111040, CC Docket Nos. 96- 45 and 97-21, Order, 15 FCC Rcd 5564 (Com. Car. Bur. 2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-108651, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 8489 (Com. Car. Bur. 1999).

¹²47 C.F.R. § 54.504 *et seq.*; *see also Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (Com. Car. Bur. 2001).

5. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Butte High School of the West Boyd Unified School District, Butte, Nebraska, on October 21, 2004, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Vickie S. Robinson
Deputy Chief
Telecommunications Access Policy Division
Wireline Competition Bureau